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OFFICE OF PETITIONS

In re Application of :
Steven M. Bellovin :
Application No. 09/343,464 : DECISION ON PETITION UNDER
Filed: June 30, 1999 : 37 C.F.R. §1.181(A)
Attorney Docket Number: :
2685/113031 :
Title: METHOD AND APPARATUS FOR :
A DISTRIBUTED FIREWALL :
:

This is a decision on the petition filed February 28, 2006, pursuant to 37 C.F.R. §1.137(a)¹, to revive the above-identified application, which is properly treated as a petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed September 29, 2005, which set a shortened statutory period for reply of three (3) months. No

¹ A grantable petition pursuant to 37 CFR §1.137(a) must be accompanied by:

- (1) the required reply (in a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof);
- (2) the petition fee;
- (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable, and;
- (4) a terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

extensions of time are permitted for transmitting issue fees². Accordingly, the above-identified application became abandoned on December 30, 2005. A Notice of Abandonment was mailed on February 2, 2006.

With the present petition, Petitioner has asserted that the issue fee was timely submitted, and has included a copy of form PTOL-85b. Although a duplicate of the same has not been located in the electronic file, Office records indicate that a payment of \$1,400 was received on December 13, 2005.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a timely response was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Office of Patent Publication will be notified of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanock
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Office of Petitions
United States Patent and Trademark Office

² See MPEP §710.02(e).